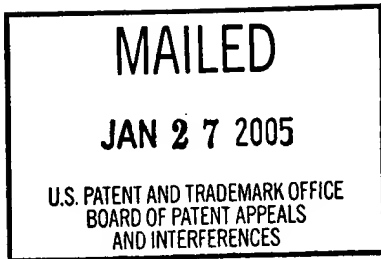


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte EDWARD ELLIS EIBLING,
KYUNG HWAN KO and LILY ZHU

Application No. 09/385,725

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on December 20, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Application No. 09/385,725

Appellants filed an Information Disclosure Statement (IDS) on June 12, 2003 (Paper No. 14). Appellants filed a Supplemental (IDS) on July 10, 2003 (Paper No. 15). Neither of the IDSs in the file have been initialed or dated by the examiner nor is there any record of subsequent correspondence to appellants concerning the IDSs. Hence, it is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98 as required by the Manual of Patent Examining Procedure (MPEP) § 609 C.

Accordingly, it is

ORDERED that the application is returned to the examiner for consideration of the IDSs noted above, notification to appellants in writing of consideration and for such further action as may be appropriate.

Application No. 09/385,725

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', written over a horizontal line.

DALE M. SHAW
Program and Resource Administrator
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DMS/vsh
RA05-0183